

VILLAGE OF NEWBERRY
ORDINANCES

ORDINANCE NO. 32

Section 1. Purpose of Ordinance. The purpose of this ordinance is to regulate and control the operation of ORV's within the limits of the Village of Newberry and, except as otherwise provided herein, the Village of Newberry adopts the laws of the State of Michigan governing the use of ORV's Act #319 of the Public Acts of 1975, as amended.

Section 2. Definitions. As used in this ordinance, the following words shall be defined as follows:

- A. ORV: ORV means a motor driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to, a multi-tract or multi-wheel drive or low pressure tire vehicle, an amphibious machine, a ground effect air- cushioned vehicle, or other means of transportation deriving motor power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function, or a registered aircraft.
- B. Street or Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- C. Alley: Any dedicated public way affording secondary means of access to abutting property.
- D. Operator: Any person who operates or is in actual physical control of an ORV.
- E. Operate: To ride in or on and to control the operation of an ORV.
- F. Roadway: That portion of a street or highway ordinarily used for vehicular travel.
- G. Right of Way: That portion of a street or highway less the roadway and any shoulders.
- H. Unqualified Operator: Any person operating an ORV who is under the age of 16, unless that person is under the immediate supervision of a parent or guardian.

Section 3. Operations. Within the Village of Newberry, no ORV shall be operated:

- a. except in a single file, with the flow of traffic, and at the far right hand side of the street being traveled;
- b. in a careless or reckless manner or in any way that endangers any person or any property;
- c. at a rate of speed not greater than 15 mph;
- d. by anyone under the influence of intoxicating liquor or any controlled substance, or by anyone whose ability to operate said ORV may be impaired thereby;
- e. by anyone transporting thereon a firearm, unless the same be securely encased; and
- f. by an unqualified operator, as that term is defined in this ordinance.

Section 4. Hour Regulations. No ORV's shall be operated on alleys, streets, or highways within the Village of Newberry between the hours of 11:00 P.M. and 6:00 A.M. of the prevailing local time.

Section 5. Street Crossings. All ORV's shall come to a complete stop before proceeding, at right angles, across any public sidewalk, alley, street, highway, or intersection. All ORV's shall yield the right of way to car, truck, and pedestrian traffic. Towing any device occupied by people is prohibited.

Section 6. Street Travel. No ORV's shall be operated on the alleys, streets, roadways, highways, or rights-of-way in the Village of Newberry, which are used for vehicular traffic, except where permission for such operation may be given by the Village Council by special

proclamation, and at such times, no ORV shall be operated except on the days designed and in the areas set forth by said special proclamation, and except as is provided in Section 7 of this ordinance.

Section 7. Operation Upon Streets. For the sole purpose of reaching designated ORV operating areas from a point where ORV's are unloaded from a trailer or from a residential storage, or to return to this location, an ORV may be operated upon a street of the Village that is not designated. An ORV may be operated on the portion of an alley to and from their residential

storage to the nearest street. Under no circumstances shall an ORV operate on any portion of highway M-123, also known as Main Street, except to cross at a right angle.

Designated operating areas are limited to:

1. East Victory Way
2. West Victory Way between Robinson Street and M-123
3. Robinson Street
4. West John and East John between Robinson Street and Handy Street
5. West Railroad between Robinson Street and M-123
6. West McMillan Street between Robinson Street and County Road 405
7. East Railroad Street
8. Handy Street
9. East Avenue A between Handy Street and M-123
10. East and West Avenue C between Handy Street and Robinson Street
11. Charles Street or Charles Road
12. East Helen Street between East Railroad Street and Charles Road

Section 8. Duty to Stop. Upon request or signal of a law enforcement officer, an ORV operator shall immediately stop his ORV in a safe place and outside of the flow of traffic.

Section 9. Stock Mufflers, Headlights, Taillights, Brake Lights and Helmets. All ORV's must be equipped with stock mufflers in good operating condition, except for special events authorized by special proclamation of the Village Council. All ORV's shall be operated within the Village with headlights and taillights on and working, a working brake light, and all operators and passengers shall wear helmets during operation.

Section 10. Responsibility. The operator of an ORV involved in any accident resulting in any property damage, personal injury, or death shall report such accident to the local police or sheriff immediately.

Section 11. Parental Responsibility. Any parent or guardian who knowingly permits or allows any minor to operate an ORV in violation of any provision of this ordinance shall be in violation of this ordinance.

Section 12. Impoundment of ORV's. A law enforcement officer may impound any ORV used or operated in violation of any provisions of this Ordinance for a period not to exceed thirty (30) days, and the owner or operator of the ORV shall be responsible to pay for all costs involved in the storage and/or removal of the impounded ORV. If the operator of the impounded ORV is not the owner, the law enforcement officer shall notify the owner of such impoundment by telephone, letter, or personal contact as soon as practical, but within 24 hours. The ORV used by any unqualified operator may be impounded by order of the Sheriff Department for a period not to exceed thirty (30) days and, in addition, the unqualified operator shall be subject to the same penalties set forth hereinabove.

Section 13. Any person who shall commit any unlawful act in violation of the provisions of this Ordinance shall be punished by imprisonment of up to 90 days and/or a fine not to exceed \$500.00 or both together with the costs of prosecution.

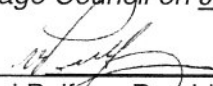
Section 14. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, a distinct, and independent provision, and such holdings shall not affect the validity of any remaining portion.

Section 15. Publication and Effective Date:

The clerk shall cause a copy of this ordinance to be published in the Newberry News within 15 days and further shall make copies of this Ordinance available for public inspection at the Village Offices located in the NEWBERRY WATER & BUILDING.

This ordinance shall be effective 20 days after publication and shall expire one year from July 22, 2008.

Approved and adopted by the Village Council on June 23, 2008.



Ward Pulfrey, President
Village of Newberry



Janice Galor, Clerk
Village of Newberry

Adoption History

Introduced:

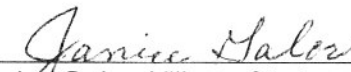
Adopted: June 23, 2008

Effective: July 21, 2008

CERTIFICATE

I hereby certify as Clerk of the Village of Newberry, that a copy of the above Ordinance was published by me in the Newberry News on the 2nd day of July, 2008, in the Village of Newberry and have attached a copy of said Ordinance together with Printer's Affidavit to this Certificate.

Dated: 7-15-08



Janice Galor, Village Clerk

PRINTER'S AFFIDAVIT

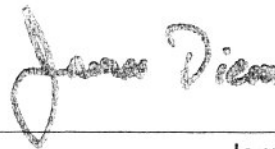
State of Michigan
County of Luce

ss James Diem, being duly sworn, deposes and says that he is the printer and publisher of the Newberry News, a weekly newspaper printed, published and circulated in the Village of Newberry, Luce County, Michigan.

Further that the

ORV ORDINANCE #32
of which the annexed notice is a true and complete copy, was duly published in said Newberry News, Inc. once in each week for 1 week(s) and that the publication of said notice was made in said newspaper on the following date,

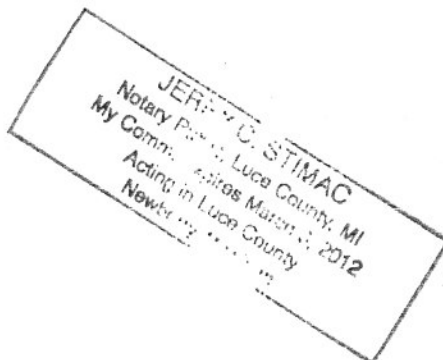
JULY 2, 2008

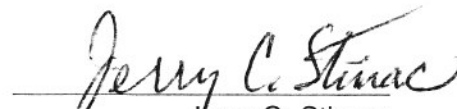


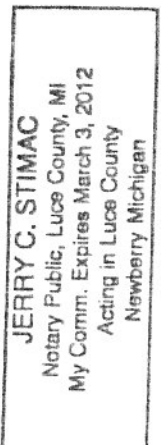
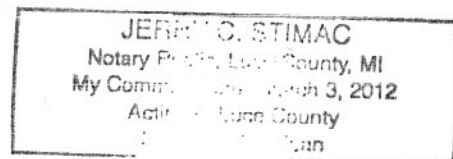
James Diem

Sworn and subscribed before me this 2nd day of July, A.D. 2008

My commission expires 3/3/12.




Jerry C. Stimac
Notary Public



VILLAGE OF NEWBERRY

